

LAW OFFICES OF BRIAN E. HAWES  
Brian E. Hawes (SBN: 104519)  
1625 The Alameda, Suite 200  
San Jose, California 95126  
Telephone: (408) 271-1917  
Facsimile: (408) 271-3865

Attorneys for Plaintiff  
DIANE L. MALLOY

SEYFARTH SHAW LLP  
Carolyn A. Knox (SBN: 181317)  
Cassandra H. Carroll (SBN: 209123)  
560 Mission Street, Suite 3100  
San Francisco, California 94105  
Telephone: (415) 397-2823  
Facsimile: (415) 397-8549

Attorneys for Defendants  
LIFE INSURANCE COMPANY OF NORTH AMERICA  
and TRAMMELL CROW AND ASSOCIATED  
COMPANIES WELFARE BENEFITS PLAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION \*E-FILED - 10/5/05\*

DIANE L. MALLOY,

Plaintiff,

vs.

LIFE INSURANCE COMPANY OF  
NORTH AMERICA; TRAMMELL CROW  
AND ASSOCIATED COMPANIES  
WELFARE BENEFITS PLAN,

Defendants.

) CASE NO. CV 04-05419 RMW  
)  
)  
) **STIPULATION OF DISMISSAL WITH**  
) **PREJUDICE, PURSUANT TO**  
) **FED.R.CIV.P. RULE 41(a), AND**  
) **[PROPOSED] ORDER**

1 Plaintiff DIANE L. MALLOY ("Plaintiff") and Defendants LIFE INSURANCE  
2 COMPANY OF NORTH AMERICA ("LINA") and TRAMMELL CROW AND ASSOCIATED  
3 COMPANIES WELFARE BENEFITS PLAN (the "Plan") have reached a resolution of this  
4 matter. The parties agree to dismiss this action in its entirety with prejudice, pursuant to  
5 Fed.R.Civ.P. 41(a). Each party shall bear its own fees and costs.  
6

7 The parties seek the Court's approval of dismissal of this action with prejudice through  
8 the order listed *infra*.  
9

10 Dated: August 31, 2005

LAW OFFICES OF BRIAN E. HAWES

11 By:   
12

Brian E. Hawes

13 Attorney for Plaintiff  
14 DIANE MALLOY

15 Dated: August 31, 2005

SEYFARTH SHAW LLP

16 By:   
17

18 Carolyn A. Knox  
19 Cassandra H. Carroll

20 Attorneys for Defendants  
21 LIFE INSURANCE COMPANY OF  
22 NORTH AMERICA and TRAMMELL  
23 CROW AND ASSOCIATED COMPANIES  
24 WELFARE BENEFITS PLAN

25 IT IS SO ORDERED:

26 Dated: 9/27/05

/S/ RONALD M. WHYTE

27 Ronald M. Whyte  
28 United States District Judge

SF1 28218591.1 / 25399-000105